

**SPECIAL MEETING
BOARD OF MAYOR AND ALDERMEN
(ROAD HEARING)**

August 4, 2003

6:15 PM

Mayor Baines called the meeting to order.

The Clerk called the roll.

Present: Aldermen Sysyn, Osborne, Pinard, Lopez, Shea, DeVries,
Garrity, Thibault and Forest

Absent: Aldermen Wihby, Gatsas, Guinta, O’Neil and Smith

Mayor Baines advised that the purpose of the road hearing is to hear those wishing to speak in favor of or in opposition to proposed street discontinuance petitions, followed by viewing the areas of the petitions and determination of the action to be taken on each petition. Each petition shall be addressed individually, at which time the Public Works Director shall be requested to make a presentation following which those wishing to speak in favor will be heard, followed by those wishing to speak in opposition. Anyone wishing to speak must first step to the nearest microphone when recognized and state his/her name and address in a clear, loud voice for the record. Each person will be given only one opportunity to speak and any questions must be directed to the Chair.

Petition to discontinue a portion of Sargent Road.

Mayor Baines requested that Frank Thomas, Public Works Director, make a presentation.

Public Works Director Frank Thomas stated Sargent Road formerly named Mill Road, was laid out on November 14, 1803. The road ran from Goffs Falls Road to Harvey Road. The easterly portion of the road has become part of Perimeter Road. On June 2, 1969 the City accepted the first 100 feet of Sargent Road from Goffs Falls Road as a 50-foot wide street. The street is paved 525 feet from Goffs Falls Road easterly. It is recommended that the road be discontinued beginning 525 feet from Goffs Falls Road and extending to the westerly street line of Perimeter Road, subject to retaining easement rights for any utilities, whether active or not. So we do support the discontinuance of as requested.

Mayor Baines calls for those wishing to speak in favor.

There was no one present at the meeting wishing to speak in favor.

Mayor Baines calls for those wishing to speak in opposition.

There was no one present at the meeting wishing to speak in opposition

Petition to discontinue a portion of Millstone Avenue.

Mayor Baines requests that Frank Thomas, Public Works Director, make a presentation.

Public Works Director Frank Thomas stated Millstone Avenue is dedicated in its current configuration on a subdivision plan entitled Hackett Hill Phase II Re-subdivision of Lots 3, 4, and 5 and Consolidation Plan dated September 1986. The Board of Mayor and Aldermen has not accepted the dedication of the road as shown on this Costello, Lomasney and de Napoli, Inc. plan, although a portion of the road was constructed for private use. A portion of the roadway 50 feet and width to be discontinued is described in a legal description attached to the discontinuance petition and as shown on a plan that is attached to the discontinuance. The plan is entitled Discontinuance Plat for a Portion of Millstone Avenue dated December 20, 2002 prepared by Richard Bartlett & Associates. It is recommended that the portion of Millstone Avenue as defined in the petitioned be discontinued subject to reserving utility easements and that a permanent sewer easement described by metes and bounds for the existing sanitary sewer main gets conveyed to the City of Manchester.

Mayor Baines called for those wishing to speak in favor.

Nicholas Lazos stated I'm an attorney here in Manchester. I represent Woodland Pond at Manchester, LLC which is the developer of the single-family subdivision that is merely the north of this lot. The reason this petition is before you is because the Planning Board when they approved the subdivision plan required us to seek the discontinuance of this parcel or dedicated street. The only issue that I wish to raise with the Board this evening is we request that the Board not vote on the release of the dedication until a recorded easement plan or easement deed is put in the Registry of Deeds for the benefit of Woodland Pond at Manchester by the current owner of Countryside Village. The reason for that is that the Woodland Pond subdivision needs to have an easement across what will be the former dedicated street in order to connect our utilities into the existing sewer, water and gas lines that are in the former street. And we also will need a slope easement and a drainage easement to construct the remainder of Millstone Avenue as approved by the Planning Board. So that's the only issue I have before you. Whether you wish to table it or until such time as my client requests that the vote be taken, is up to you frankly. You should be aware that I am representing the owner of the property as well this evening. My client is obligated to take care of the discontinuance for the benefit of Stone Ends Apartments, LLC, which is the owner as well. So that's the only issue we have.

Alderman Forest stated I'll make the motion to table.

Mayor Baines stated the only thing before we do that; don't you think we should go out and view it, so we don't have to go out again? Don't you think while we're out on the bus it would be better to do that?

Mr. Lazos stated my request is that we complete the public hearing...

Mayor Baines asked and move to table it afterwards? Would that be okay?

Alderman Lopez stated I wonder if the City attorney could comment on the thing that he wants us to do as far as holding this thing up.

Deputy City Solicitor Tom Arnold stated I quite frankly need to take a look at the statute. Provided that there isn't a prohibition in the statute I would suggest you go out and view the road and then table it so you could take a vote at the appropriate time.

Mayor Baines called for those wishing to speak in opposition.

There was no one present at the meeting to speak in opposition.

Mayor Baines declared a recess of the hearing and to proceed to view the areas of the petitions presented.

Mayor Baines called the meeting back to order at the site of the petition.

Petition to discontinue a portion of Millstone Avenue

Public Works Director Frank Thomas gave a brief description at the site of the portion of Millstone Avenue requested to be discontinued.

On a motion of Alderman Forest, duly seconded by Alderman Thibault, it was unanimously voted to table the discontinuance of a portion of Millstone Avenue item until such time that the City Solicitor can research RSA 231:52 for the release of the dedication as recommended.

Mayor Baines called a brief recess.

Mayor Baines called the meeting back to order at the site of the petition.

Petition to discontinue a portion of Sargent Road.

Public Works Director Frank Thomas gave a brief description at the site of the portion of Sargent Road requested to be discontinued.

On a motion of Alderman DeVries, duly seconded by Alderman Osborne, it was unanimously voted to approve the discontinuance of a portion of Sargent Road as recommended by the Highway Department and further to reserve any and all utility easements presently existing or hereinafter required by the City.

This being a special meeting of the Board, no further business was presented, and on motion of Alderman Forest, duly seconded by Alderman Pinard, it was voted to adjourn.

A True Record. Attest.

City Clerk